

September 29, 2020

Honorable Chief Justice Debra Stephens,

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems. We strongly support Juvenile Court Rule 7.16 and thank you for your leadership in considering these important reforms for the health and safety of youth and communities in the state of Washington. We write now to urge you to adopt Rule 7.16 by quashing warrants unless a young person poses a specific risk to public safety. This rule will prevent youth from unnecessarily incarceration and the related dangerous conditions of confinement during this unprecedented COVID-19 health crisis.

**Any term of incarceration is currently a potential death sentence.**

COVID-19 continues to ravage prisons and jails across the country, effectively making any sentence a potential death sentence. According to a recent study, the rate of infection among those incarcerated is 5.5 times higher than in the general U.S. population because of overcrowding, limited testing, and lack of sufficient sanitation.<sup>1</sup> The Centers for Disease Control and Prevention (“CDC”) has explained that correctional facilities “present[] unique challenges for control of COVID-19 transmission among incarcerated/detained persons, staff, and visitors.”<sup>2</sup>

While initial reports stated that only older individuals would face serious illness or death from COVID-19, it is now known that the younger population is also susceptible to contracting the virus and can face the same dangers as the older population.<sup>3</sup> Outbreaks not only create risk for the incarcerated young people but also for their families, the officers and staff within the facility, and surrounding communities.<sup>4</sup>

<sup>1</sup> Brendan Saloner, Kalind Parish, and Julie A. Ward, *COVID-19 Cases and Deaths in Federal and State Prisons* (July 8, 2020),

[https://jamanetwork.com/journals/jama/fullarticle/2768249#:~:text=The%20COVID%2D19%20case%20rate,per%20100%20000%20\(Table\)%20%20](https://jamanetwork.com/journals/jama/fullarticle/2768249#:~:text=The%20COVID%2D19%20case%20rate,per%20100%20000%20(Table)%20%20)

<sup>2</sup> Ctrs. for Disease Control & Prevention, *Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities (“CDC Guidance”)* (Mar. 23, 2020), <https://bit.ly/2ygqU1k>.

<sup>3</sup> Stephanie Nebehay, *WHO Message To Youth on Coronavirus: ‘You Are Not Invincible’* (Mar. 20, 2020), <https://reut.rs/343yLvg>.

<sup>4</sup> Eileen Grench, *Three Juvenile Detention Staff Test Positive for COVID-19, But No Teens Released, Juvenile Justice* (Mar. 20, 2020), <https://bit.ly/2UWGGG>.

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The only certain method to prevent COVID-19—social distancing—is impossible in crowded juvenile detention and correctional settings. Even when carceral facilities have attempted to institute such measures, the measures have not been successful.<sup>5</sup> Furthermore, any steps that can be taken to create social distancing in facilities (such as using solitary confinement) exacerbate significant mental health risks; isolating a young person has been shown to cause serious harm such as anxiety, depression, self-harm, and even suicide.

**Medical professionals support decarceration efforts to slow the spread of COVID-19, and multiple jurisdiction are following this standard.**

Medical professionals have called on state governors, courts, and departments of corrections to “[i]mmediately release youth in detention and correctional facilities who can safely return to the home of their families and/or caretakers, with community-based supports and supervision, in order to alleviate potential exposure to COVID-19.”<sup>6</sup> A number of jurisdictions have begun to undertake such pre- and post-adjudication measures for juvenile facilities. For example, five states have reported temporarily suspending intakes at one or more of their youth carceral facilities (Alabama, California, Kansas, Texas, and Wisconsin) to mitigate harms from the pandemic.<sup>7</sup> In Colorado, an executive order suspended the parole process (except for young people classified as violent offenders) and instead gave the system the authority to release youth after an individualized review, leading to a 22% decline in Colorado’s committed youth population.<sup>8</sup>

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<sup>5</sup> Infection rates skyrocketed at Rikers Island and other facilities only two weeks after New York’s Department of Corrections implemented a plan for sanitizing and maintaining social separation in facilities. Jan Ransom & Alan Feuer, *‘We’re Left for Dead’: Fear of Virus Catastrophe at Rikers Jail* (Mar. 31, 2020), <https://nyti.ms/2WYT37q>.

<sup>6</sup> Letter from Physicians for Criminal Justice Reform, to State Governors, State and Local Juvenile Detention and Correctional Departments, and Juvenile Court Judges and Magistrates at 1 (Mar. 22, 2020), <https://bit.ly/3az51sz>.

<sup>7</sup> *States Must Do More to Protect Youth Behind Bars During COVID-19 Pandemic*, No Kids in Prison, <https://backend.nokidsinprison.org/wp-content/uploads/2020/08/NKIP-COVID-19-Policy-Paper-4P.pdf>.

<sup>8</sup> *Id.*

**The continued processing of bench warrants for youth during this public health crisis exposes and exacerbates the ongoing harms that the legal system imposes on communities of color.**

Of warrants issued last year in King County, 82-84% were for Black youth, Indigenous youth, and other youth of color, leaving these children disproportionately vulnerable to incarceration and then contracting the virus.<sup>9</sup> Communities of color are already particularly vulnerable to harms from this pandemic because Black and Latinx individuals suffer from most major chronic diseases including asthma, diabetes, obesity, and cardiovascular issues at higher rates than their white peers.<sup>10</sup> These underlying issues, combined with the poor healthcare access and high poverty rates too often experienced by youth of color, all contribute to the substantial risk of serious racialized harm posed by a COVID-19 outbreak in a juvenile facility.

We ask you to protect youth and families from life-threatening harms by barring the issuance of warrants for young people unless there is a serious threat to public safety.

We recognize the challenges COVID-19 has placed on the Court and appreciate your leadership in this time of crisis.

Sincerely,

Emily Satifka

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<sup>9</sup> Data from TeamChild.

<sup>10</sup> See James H. Price et al., *Racial/Ethnic Disparities in Chronic Diseases of Youths and Access to Health Care in the United States*, Biomed Res. Int'l (2013), <https://bit.ly/2UP2Ydb>.

**From:** [OFFICE RECEPTIONIST, CLERK](#)  
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**Cc:** [Tracy, Mary](#)  
**Subject:** FW: JLC Comment on JuCR 7.16—Governing Warrant Quashes  
**Date:** Tuesday, September 29, 2020 3:17:02 PM  
**Attachments:** [JLC JuCR 7.16 Letter.pdf](#)

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**From:** Emily Satifka [mailto:esatifka@jlc.org]  
**Sent:** Tuesday, September 29, 2020 3:05 PM  
**To:** OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>  
**Cc:** Jessica Feierman <jfeierman@jlc.org>  
**Subject:** JLC Comment on JuCR 7.16—Governing Warrant Quashes

To whom it may concern:

Juvenile Law Center’s comment regarding Juvenile Court Rule 7.16 is attached to this email for the Honorable Chief Justice Debra Stephens.

Please let me know if there is any additional information I can provide.

Best regards,  
Emily

**Emily Satifka** She/Her/Hers  
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